

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PLANET ECLIPSE, LLC
and PLANET ECLIPSE
LIMITED,

Plaintiffs,

v.

C.A. No. 04-194T

X-TREME ENTERPRISES, INC.,

Defendant.

ORDER GRANTING PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT

For reasons stated in open court, the Plaintiffs' motion for sanctions or, in the alternative, for default judgment is granted. The clerk shall enter default judgment against the Defendant for treble damages in the amount of \$474,600.00 plus \$45,000.00 in attorneys' fees for a total of \$519,600.00.


Additionally, the Court permanently enjoins X-Treme Enterprises, Inc. and each of its officers, directors, agents, servants, employees and representatives, and those persons in active concert or participation with them or any of them, from:

- (1) Using on or in connection with the production, manufacture, advertising, promotion, displaying for sale, offering for sale, sales or distribution of any products or services, or for any commercial purposes whatsoever the ECLIPSEBLADE® trade dress, the ECLIPSEBLADE® packaging, or the ECLIPSEBLADE® Operating Manual, or any

variations thereof or anything confusingly similar thereto or any of Planet Eclipse, LLC's and/or Planet Eclipse Limited's trade dress, product packaging or documentation, or any variations thereof or anything confusingly similar thereto;

- (2) Representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive consumers into believing that X-Treme Enterprises, Inc.'s services and any related goods are the services or products of Planet Eclipse, LLC and/or Planet Eclipse Limited, or that there is any affiliation or connection between Planet Eclipse, LLC and/or Planet Eclipse Limited or their services and goods and X-Treme Enterprises, Inc. or its services and products and from otherwise unfairly competing with Planet Eclipse, LLC and/or Planet Eclipse Limited; and
- (3) Causing to be advertised, published or disseminated by any means any false or misleading statements of facts as to the relationship between X-Treme Enterprises, Inc. and Planet Eclipse, LLC and/or Planet Eclipse Limited.

IT IS SO ORDERED,



Ernest C. Torres, Chief Judge
Date: September 27, 2005